

# NATURAL RESOURCES BOARD

## Minutes

The regular meeting of the Natural Resources Board was held on Tuesday, December 2, 2003, at the GEF 2 building, 101 S. Webster Street, Madison, Wisconsin. The meeting was called to order at 1:30 p.m. All December Board Agenda business was conducted by the Full Board.

PRESENT: Trygve A. Solberg, Chair  
James E. Tiefenthaler, Vice Chair  
Gerald W. O'Brien, Secretary  
Herbert F. Behnke  
Jonathan P. Ela  
Howard D. Poulson

EXCUSED: Stephen D. Willett

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**Tuesday, December 2, 2003**

### ORDER OF BUSINESS

1. Minutes to be approved.
  - A. Full Board Minutes of October 2003.

**Mr. Ela MOVED, seconded by Mr. Tiefenthaler, to table the October meeting minutes until January for further revision. The motion was carried unanimously by those members present. (Mr. Willett was absent.)**

- B. Agenda for December 2-3, 2003.

Secretary Hassett asked that the following changes be made: 3.A.2. INFORMATIONAL ITEM – Lake Michigan Integrated Fisheries Management Plan, 2003-2013, 3.A.4. INFORMATIONAL ITEM - Proposed revisions to Chapter NR 116, Wis. Admin. Code – Wisconsin's Floodplain Management Program, 3.B.4. Mead Wildlife Area land acquisition and donation – Marathon and Portage Counties and 7.H. Approval of the response to the Legislative Standing Committee's request for modification to NR 445, pertaining to the control of hazardous air pollutants.

**With those changes, Mr. Poulson MOVED, seconded by Mr. O'Brien, approval of the Agenda for December 2-3, 2003, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent.)**

**Chairman Solberg requested a motion to go into Executive Session at 2:15 p.m. Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler that the Board convenes into Executive Session under the authority of s.19.85(1)(e), Wisconsin Statutes, for the purpose of discussing potential land acquisitions and under the authority of s.19.85(1)(g) Wisconsin Statutes, for the purpose of discussing potential tribal**

litigation matters. The motion was carried by a roll call vote by those members present. (Mr. Willett was absent.)

Chairman Solberg reconvened the meeting at 3:35 p.m. and reported that during the Executive Session that there were no actions taken.

2. Ratification of acts of the Department Secretary.

A. Real estate transactions.

**Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, approval of the real estate transactions. The motion was carried unanimously by those members present. (Mr. Willett was absent.)**

3. Operating Committees.

A. Air, Waste and Water/Enforcement Committee.

1. Minutes. There were no Committee minutes for October, 2003 since all agenda items were taken up during the Full Board Meeting.

~~2. INFORMATIONAL ITEM – Lake Michigan Integrated Fisheries Management Plan, 2003-2013.~~

~~3. INFORMATIONAL ITEM – Proposed revisions to Chapter NR 116, Wis. Admin. Code – Wisconsin's Floodplain Management.~~

4. Authorization for hearings on proposed changes to chapters NR 405 and NR 408, Wis. Adm. Code to incorporate changes required by recent changes to Federal Rules and to improve the permitting process in the State.

**Lloyd Eagan**, Bureau Director Air Management, requested that the Board approve the authorization for hearing to allow for public comment on the new source review on the air permitting process. The EPA rules have changed significantly regarding new source review program for major emission. Each state has 3 years from 2002 to report changes in the state's rule to EPA. We have been working with stakeholders and other state's regarding the proposed rule revision. The proposed rule revisions would involve including options for exclusion from new source review permitting regulations for clean units and pollution control projects, allow for issuance of plant-wide applicability limitations as an alternative to the federal new source review process and revision to the process quantify the level of emission.

**Mr. O'Brien** – How is the threshold significance determined?

**Lloyd Eagan** – By the EPA.

**Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, to approve the request for public hearing as requested. The motion was carried unanimously by those members present. (Mr. Willett was absent.)**

5. Adoption of Order – LE-34-03 pertaining to waiving the slow-no-wake speed restriction on Lake Elkhorn.

**William Engfer**, Recreation Safety and Education Section Chief presented rule revision on NR 5.21 Wisconsin Administrative Code with the addition of Lake Elkhorn to the listed lakes in which the slow-no-wake speed restriction is

waived. The City of Elkhorn controls all access to the lake and the City of Elkhorn petitioned the Department for this waiver.

**Mr. Behnke MOVED, seconded by Mr. Poulson, to approve the adoption for the slow-no-wake revision as requested. The motion was carried unanimously by those members present. (Mr. Willett was absent.)**

B. Land, Management Recreation and Fisheries/Wildlife Committee.

1. Minutes. There were no Committee minutes for October 2003 since all agenda items were taken up during the Full Board Meeting.
2. INFORMATIONAL ITEM – Open Burning and Backyard Dumping – Briefing and Stakeholder Report.

**Kevin Kessler**, Natural Resources Program Manager provided information to the Board on dioxin emissions from open burning in Wisconsin. In Wisconsin, open burning is the largest source of air pollution complaints from the public, causes more forest fires and is the largest source of uncontrolled dioxin emissions.

In January of 2003, Secretary Hassett requested that statewide associations participate in a stakeholder process to address this issue. A steering team and three stakeholders groups were formed. There were three topics for the groups to include residential wastes, farming and agriculture and wastes and small business wastes. The recommendations coming from this collaborative team effort include a blend of improved regulatory tools, information/education and infrastructure.

3. Glacier Habitat Restoration Area land acquisition – Fond du Lac County.

**Mr. Steffes** requested that the Board make a motion to defer this item based on the property owner's request.

**Mr. Behnke MOVED, seconded by Mr. Poulson, to defer this item as requested. The motion was carried unanimously by those members present. (Mr. Willett was absent.)**

4. ~~Mead Wildlife Area land acquisition and donation — Marathon and Portage Counties.~~

5. Project establishment and Land acquisitions for Amery to Dresser State Trail, Polk County; Crandon to White Lake State Trail, Langlade County and Rockwood to Denmark State Trail, Brown and Manitowoc Counties.

**Representative Pettis**, District 28 spoke regarding the support from his district and his personal support for this trail. The significance of this trail is that it will be there for many years to come. The trail will tie into the Cattail Trail and allow for a further distance to be traveled while increasing the opportunity for tourism. I ask for the Board's support in securing this trail.

**Dave Peterson**, Langlade County Snowmobile Association Director, requests the support of the Board in establishing this trail for the Crandon to White Lake area. The abandoned parcel will allow for the connection of the Shawano to White Lake trail.

**Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, that the Board approves the purchase of 457.64 acres, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent.)**

6. Easement acquisition for Baraboo Hills Recreation Area, Sauk County. (Richard Steffes, 5 minutes)

**Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, that the Board approves the purchase of a Forestry Legacy easement, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent.)**

The regular meeting of the Natural Resources Board was held on Wednesday, December 3, 2003, at the GEF 2 building, 101 S. Webster Street, Madison, Wisconsin. The meeting was called to order at 8:00 a.m. All December Board Agenda business was conducted by the Full Board.

PRESENT: Trygve A. Solberg, Chair  
James E. Tiefenthaler, Vice Chair  
Gerald W. O'Brien, Secretary  
Herbert F. Behnke  
Jonathan P. Ela  
Howard D. Poulson  
Stephen D. Willett

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**Wednesday, December 3, 2003**

7. INFORMATIONAL ITEM – Bureau of Endangered Resources will present information about Department Wolf Damage Program.

**Signe Holtz**, Director, Bureau of Endangered Resources updated the Board on the Wolf Depredation payment program which began in 1984. In 2002, there were 21 cases of wolf depredation on domestic animals in Wisconsin. These included 11 cases of livestock on 10 farms consisting of the death of 37 cattle, 7 sheep, 3 horses, and 5 deer. Ten cases of wolf depredation on dogs were reported involving the death of 10 dogs and injuries to 4 dogs. Presently, there have been 22 cases of wolf depredation on domestic animals involving 14 cases of depredation on livestock on 14 farms and the death of 19 cattle, 23 sheep, and 1 deer. Eight cases of depredations on dogs have occurred in 2003, involving the death of 5 dogs.

Two things have changed in the past year that have affected depredation management. Since the federal down listing of the gray wolf, the Department has had the authority to kill depredating wolves. The Department has used this additional management tool. The second change has been the federal funding for the USDA-Wildlife Services Wisconsin Wolf Damage Control Program which increased to \$400,000 this year. Wildlife Services now has the ability to respond more quickly and stay on a site for a longer period of time.

The time between depredation and payment received by the claimant to landowners has been reduced in recent years through internal efforts. We are continuing efforts to work with USDA-Wildlife Services to transfer information more quickly for payment processing.

In conclusion, the Department has held hearings regarding the proposal to remove the gray wolf from the Wisconsin Threatened Species List. The final rule will be coming to the Board sometime late winter or spring.

**Mr. Behnke** – I share your enthusiasm for the program however, we need to make some changes to the program to better serve the financial losses of Wisconsin residents. The point we are at now is we need to make changes to move forward.

**Mr. Willett** – The Board would like to work with the Department to resolve concerns of the citizens on this issue. It is time that we make modifications to the program due to population growth.

**Mr. Behnke** – It is my understanding that there are approximately 3.3 million cattle in Wisconsin and a majority of the cattle are in areas of Wisconsin that have a larger density of wolves.

**Mr. Tiefenthaler** – Most states have a wolf population of 220 to 250, presently we are at 335 and the Department would like to increase the population by 15 more. When is the population large enough?

**Mr. Poulson** – How are we going to pay for these claims? We should not be pro-rating these claims.

**Signe Holtz** – We are paying claims and are current on paying those claims.

**Mr. O'Brien** – How are the stakeholders with this? Are you meeting with these people?

**Signe Holtz** – Once a year we have a meeting inviting the stakeholders to participate.

**Mr. Behnke** – We should have some of the stakeholders on the science committee on a more regular basis.

8. INFORMATIONAL ITEM – Bureau of Law Enforcement and Wildlife Management presentation of the 2003 Deer Season Report.

**Marilyn Davis**, Customer Service and Licensing Bureau Director indicated that license sales have increased and the on-line services have become very popular especially with out of state residents. The following preliminary statistics were presented:

- There were 25,873 more hunters who purchased gun deer licenses this year, up 4.18% but still down 6.35% from 2001,
- Of the 644,818 gun deer hunters this year, 609,579 were residents and 35,239 were non-residents,
- 87% of hunters this year also hunted last year,
- 46,492 hunters purchasing a license this year have not hunted in Wisconsin for the last four years,
- Of the above group, 41% fall between the ages of 12 and 17 and 12% are 12 years old,
- 67% of 2003 gun deer hunters have made a license purchase for each of the last five years, and
- 94% of this year's hunters have a record of making a license purchase in four out of the last five years.

**Tom Hauge**, Bureau Director, Wildlife Management indicated that the box score reporting numbers increased this year and more hunters returned to the woods. This season is not very old but observations concluded that the season became more “normal” than last year with little concern about CWD and a more liberal season. In the CWD Zones more hunters returned to the woods with the realization that CWD is a fact and showed more acceptance of the disease.

The early archery season was down 5.6% from last year, while the preliminary antlerless harvest is up 35.6% from last year. The biggest influence attributed to these results is that archery license sales indicate a 9% increase over last year’s sales. Hunting conditions were also more favorable in 2003. This year archers had drier conditions and mentioned that deer baiting was allowed in most counties.

An aging analysis for the 2003 harvest is in the preliminary stages, here are some preliminary results. Statewide, yearling doe percentages indicated average to good recruitment of fawns in 2002. The fawn fraction of the antlerless harvest remained at long term averages (17-25%) with no detectable difference relative to sex. Declines in the percentage of yearling bucks harvested thus are not likely a result of poor recruitment of buck fawns. The lower yearling buck percentages are more likely to reflect a change in deer hunting dynamics.

Hunters continued to be generous and helpful with CWD sampling. CWD sampling in the Intensive Harvest Zone has taken place from the beginning of the bow season and will continue until the close of both the bow and gun seasons. To date we have sampled 6,366 deer from the Intensive Harvest Zone, 3,393 from the Herd Reduction Zone and 1,801 from other areas of the state for a total of 11,560 animals.

Baiting and feeding of deer was banned in 23 counties in southern Wisconsin this fall to help reduce the spread of CWD. These counties were chosen because all or a portion of the county was in a CWD management zone, or within 10 miles of a TB or CWD positive animal detected within the last 5 years.

Landowners within the CWD eradication zone were once again eligible for free landowner permits. These permits authorized the permittees and hunters hunting on this land to hunt without having to buy a deer-hunting license. In addition, we offered permittees two “green buck” tags with their permit. About 3,400 landowner permits were issued this fall to 6,500 landowners that land records indicate own 5 or more acres in the zone. Finally, our field staff reports that the CWD control reward programs have been well received by hunters and landowners as a toll to help battle CWD. At this point in time, we don’t have any data to evaluate the effectiveness of this pilot program.

The Wisconsin Deer Donation Program is in its fourth year of state-funded deer program. In 2003, 53 counties and 116 processors are participating in the program, which is about 22% higher than last year and closer to our 2001 participation. As of November 18, hunters have donated \$16,267.82 for the deer donation program through voluntary donations at license vendors. What is most encouraging is the number of deer that hunters have already donated this year. As of December 2, with 80% of the processors reporting, 5,084 deer have been donated to feed needy people across the state.

**Randy Stark**, Bureau Director, Law Enforcement

This year we had a 35% increase in the number of hotline complaints coming in. We currently have 14 vacancies in the warden service. Our patrol operating budgets have been reduced by 20%. Due to budget cuts, we laid off 90 LTE deputy wardens. The result was 5300 fewer hours worked during the 2003 deer gun season and wardens

frequently paired up for officer safety reasons. This resulted in fewer patrol units operating during the deer season.

Lighted bait piles behind residences and cabins was an issue again this year in the northern half of the state. Throughout the fall, incidence of people illegally harvesting deer at night or during the closed season from cabins or residences increased as compared to last year. Wardens do not encounter these types of violations with baited locations in the woods. The convenience of the bait near the residence creates opportunities for people so inclined. The table below lists some examples of the types of cases wardens made this fall that involved illegally shooting deer from cabins or residences. These are labor intensive cases and often come to our attention through public cooperation.

The Hotline staff were busy this year with a total of 296 there were roughly 50% more calls than in 2002. More calls came in during “business hours” than in the past. As usual callers finding deer carcasses was the leading category with 54 calls total, and this year dispatchers noted that many of these calls were cases of someone shooting a nice buck and taking nothing but the antlers or head and antlers. The other common violations were:

- Hunting with 50’ of road’s center
- Hunting hour violations
- Group hunting or other tagging violations
- Callers hearing shots believed to be associated with poaching
- Possession of untagged deer or venison

This year the leading categories did not dominate the totals quite as much as in recent seasons, and there was a marked decrease in baiting complaints with only 6 calls received compared to 32 in 2002. The dispatchers also perceived an increase in calls based more on conflict between competing hunters or hunters and landowners than on actual violations.

4. Committee of the Whole.

A. Citizen Participation.

**David E. Withers**, spoke regarding the bear and hound population in Wisconsin.

Retirement Resolutions.

- B.
- 1) Linda Albright
  - 2) Larry Baer
  - 3) Gale Holloway
  - 4) Marilyn Kitten
  - 5) Mark Beilfuss

**Secretary Hassett** reviewed the careers of each retiree and commended them for their excellent years of service to the Department and the State of Wisconsin.

**Mr. Poulson MOVED, Mr. O’Brien seconded approval of the Retirement Resolutions, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent.)**

5. Board Members' Matters.

A. RECOGNITION AWARD – to the Department of Natural Resources’ Waste Management Program.

**Secretary Hassett** congratulated the Waste Management Program of the Department for achieving certification of their Environmental Management System to the International

Standards Organization 14001 standard. An environmental management system is a comprehensive system for managing the environmental impacts of the organization. While many private sector industries have obtained this type of certification, the Waste Management Program is the first purely environmental regulatory program in the United States to do so.

**Mr. Ela** requested that a brief overview of the status on mercury and hazardous air pollutant rules.

In response to a question from Board member Ela, Al Shea, Air and Waste Division Administrator, provided a brief overview of the status of two rules - mercury and hazardous air pollutants - pending in the Legislature. In response to a question of timing related to Legislative review of rules from Ela, Elizabeth Kluesner, provided short summary of the Legislature's process for review of administrative rules.

6. Special Committees' Reports  
None.

7. Department Secretary's Matters.

A. INFORMATIONAL ITEM – Waters of Wisconsin overview of activities.

**Curt Meine**, Director of Conservation Programs at the Wisconsin Academy and **Steve Born**, Waters of Wisconsin Co-Chair presented a year end overview of the Waters of Wisconsin project. The Waters of Wisconsin project was a grand experience to allow for citizen input and demonstrate the excellence in strategy when policy and science come together. This diverse group brought together scientific knowledge, policy information and citizens input to establish goals in the following areas: Create sustainable use, education, close policy gaps and eliminate duplications and to simulate where we are on water.

B. DONATION – from The Friends of High Cliff State Park for a gift of \$11,700 for continuing educational programs throughout the year.

**Mr. Willett MOVED, Mr. Poulson seconded approval of the Donation, as presented. The motion was carried unanimously.**

C. DONATION – from a variety of funding sources including stewardship, Friends Group funds, and other donations for a gift of \$9,700 for construction of an accessible cabin in High Cliff State Park.

**Mr. Tiefenthaler MOVED, Mr. Willett seconded approval of the Donation, as presented. The motion was carried unanimously.**

D. DONATION – from the Rocky Mountain Elk Foundation for a gift of 500 hard-sided gun cases to the Department's Hunter Education program.

**Mr. Tiefenthaler MOVED, Mr. O'Brien seconded approval of the Donation, as presented. The motion was carried unanimously.**

E. DONATION – from the Bong Naturalist Association for a gift of a storage shed valued at \$28,275 to house Bong Naturalist Association tools, building materials, exhibits and equipment.

**Mr. Behnke MOVED, Mr. Ela seconded approval of the Donation, as presented. The motion was carried unanimously.**



F. DONATION – from Walleyes for Tomorrow for a gift of \$23,000 for construction of two rearing ponds at the Kettle Moraine Springs Fish Hatchery.

**Mr. Willett MOVED, Mr. O'Brien seconded approval of the Donation, as presented.  
The motion was carried unanimously.**

G. DONATION – from Jack Mudget Action Marine Inc., Tom Berthold for a gift of \$6,180 for an outboard motor.

**Mr. Willett MOVED, Mr. Poulson seconded approval of the Donation, as presented.  
The motion was carried unanimously.**

General discussion took place regarding time commitments for Board members in regarding to preparation before the meeting, the importance of have a full meeting schedule to better utilize the time of the members and excessive travel time involved resulting in loss of professional time.

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Meeting Adjourned at 10:59 a.m.